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Attorneys for Plaintiffs,  
Yantai North Andre Juice, Co., Ltd. and  
Yantai North Andre Juice, Inc.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

YANTAI NORTH ANDRE JUICE CO., LTD. and  
YANTAI NORTH ANDRE JUICE, INC.,

Plaintiffs,

v.

ARTHUR KUPPERMAN, PAULETTE KRELMAN,  
E. ROSS BROWNE, SR.; PGB INTERNATIONAL,  
f/k/a and/or a/k/a PITTRA G.B. INTERNATIONAL,  
f/k/a and/or a/k/a PITTRA-CAMERICAN f/k/a and/or  
a/k/a, PITTRA, INC., G.B INTERNATIONAL, XYZ  
CORPORATIONS 1-10, and JOHN DOES 1-10,

Defendants.

Civil Action No.

**JOINT DISCOVERY PLAN**

1. Set forth the name of each attorney appearing, the firm name, address and telephone number and facsimile number of each, designating the party represented.

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2. Set forth a brief description of the case, including the causes of action and affirmative defenses asserted.

Plaintiffs' Complaint stems from an unsatisfied judgment in the approximate amount of \$ \$600,000. Plaintiff has claimed that the defendants have engaged in efforts to defraud plaintiffs and/or hinder or delay collection on the above-referenced judgment by way of selling assets to other defendants herein. Defendants have contended that the transfer of assets was conducted for legitimate business reasons, that defendants did not intend to hinder, delay or defraud creditors, and that assets were transferred to PGB for reasonably equivalent value. Defendant Pittra has filed a counterclaim alleging breach of contract, tortious interference, and violation of the New Jersey Franchise Practices Act.

3. Has this action been: Settled: \_\_\_\_\_ Discontinued: \_\_\_\_\_  
If so, has there been a Stipulation/Dismissal filed?

Yes No **X**

4. Have settlement discussions taken place? Yes \_\_\_\_\_ No **X**  
If so, when?

(a) What was plaintiffs last demand?

- (1) Monetary demand: \$  
(2) Non-monetary demand:

(b) What was defendant's last offer?

- (1) Monetary offer: \$  
(2) Non-monetary offer:

5. The parties [have **X** -have not \_\_\_\_\_] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor.

6. Explain any problems in connection with completing the disclosures required by Fed. R. Civ. P. 26(a)(1).

None anticipated.

7. The parties [have \_\_\_\_\_ have not X ] conducted discovery other than the above disclosures, If so, describe.

8. The parties [have X have not \_\_\_\_\_ ] met pursuant to Fed. R. Civ. P. 26(f):

(a) If not, state the reason therefore.

(b) If so, state the date of the meeting, and the persons in attendance.

The parties conferred on Friday, May 27, 2005, and again on Friday, June 3, 2005.

9. The following [is X -is not \_\_\_\_\_ ] a proposed joint discovery plan.

- (a) Discovery is needed on the following subjects:

Formation, ownership, control, and purchase and/or sale of the corporate defendants;  
The present and past financial status of the corporate defendants.  
The relationship, operations and interaction between and among the corporate defendants  
The relationship and interaction between and among the corporate defendants, and the individual defendants.  
Any mergers, acquisitions or other transfers of assets by or between the defendants.  
Predecessors and/or successors-in-interest to any of the corporate defendants.  
Plaintiffs' breach of contract, tortious interference and violation of the Franchise Practices Act.

- (b) Discovery [should X -should not \_\_\_\_\_ ] be conducted in phases or be limited to particular issues. Explain.

The parties believe that a bifurcation or staggering of discovery on plaintiffs' claims and the counterclaims may crystallize the issues at hand without undue expense or delay.

- (c) Maximum of 50 Interrogatories by each party to each other party.
- (d) Maximum of 15 depositions to be taken by each party.
- (e) Plaintiffs expert report due on February 15, 2006
- (f) Responsive expert reports due on April 15, 2006
- (g) Motions to amend or to add parties to be filed by January 15, 2005
- (h) Dispositive motions to be served within 30 days of completion of discovery.
- (i) Factual discovery to be completed by October 15, 2005 on Plaintiff's Complaint, and January 1, 2006 on Counterclaims
- (j) Expert discovery to be completed by May 31, 2006
- (k) Set forth any special discovery mechanism or procedure requested, including data preservation orders or protective orders:  
  
Preservation Order with regard to electronic data.
- (l) A pretrial conference may take place on June 1, 2006.
- (m) Trial date: June 15, 2006.

10. Do you anticipate any discovery problem(s)? Yes X No \_\_\_\_\_ If so, explain.

Plaintiffs' understand that the corporate defendants operate almost entirely via computer for their international importing of goods. Plaintiffs' are concerned with the maintenance and production of complete electronic data.

11. Do you anticipate any special discovery needs (i.e. videotape/telephone depositions. Problems with out-of state witnesses or documents, etc.)? Yes \_\_\_\_\_ No X

If so, explain.

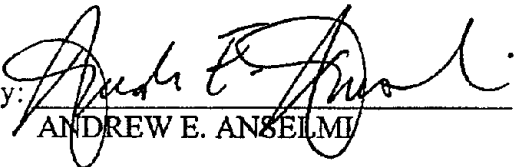
12. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise), mediation (pursuant to Local Civil Rule 301.1 or otherwise), appointment of a special master or other special procedure. If not, explain why and state whether any such procedure may be appropriate at a later time (i.e, after exchange of pretrial disclosures, after completion of depositions, after disposition or dispositive motions, etc.).


Defendants' debt to plaintiffs has been longstanding. During the course of the prior action which gave rise to plaintiffs' judgment, counsel for plaintiffs and defendants engaged in protracted negotiations regarding three (3) forbearance agreements, in an effort to facilitate payment on the obligation, which ultimately went unsatisfied. Accordingly, plaintiffs believe that alternative dispute mechanisms would ultimately prove unsuccessful, but remain amenable to such a process.

13. Is this case appropriate for bifurcation?  X (for discovery only)  No \_\_\_\_\_
14. An interim status settlement conference (with clients in attendance), should be held in November, 2005.
15. We [do \_\_\_\_\_ do not  X  ] consent to the trial being conducted by a Magistrate Judge.

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By:   
ANDREW E. ANSELM

By:   
WILLIAM D'ANNUNZIO

Dated: June 13, 2005

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June 14, 2005

VIA FEDERAL EXPRESS

Andrew E. Anselmi, Esq.  
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127 Main Street  
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Re: Yantai North Andre Juice Co., Ltd., et al.  
v. Arthur Kupperman, et al.  
Civil Action No. 05-1049 (WJM)

Dear Mr. Anselmi:

Enclosed is the Joint Discovery Plan, which I have signed. As agreed, the changes suggested in my letter of earlier today have been incorporated in the Discovery Plan.

Very truly yours,



WILLIAM M. D'ANNUNZIO

WMD/ch  
Enclosure